

**CITY COUNCIL
ATLANTA, GEORGIA**

02- 0-1447

**AN ORDINANCE
BY COUNCILMEMBER JIM MADDOX**

**AN ORDINANCE TO PROVIDE FOR THE ANNEXATION
OF LAND TO THE CORPORATE LIMITS OF THE CITY
OF ATLANTA, GEORGIA; TO PROVIDE FOR THE
NOTIFICATION OF THE DEPARTMENT OF
COMMUNITY AFFAIRS OF THE STATE OF GEORGIA
OF SUCH ANNEXATION; AND FOR OTHER PURPOSES**

WHEREAS, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property located on Camp Creek Parkway, consisting of 41.49 acres, as more fully described and delineated in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, the Applicant has stated that the purpose of the proposed annexation is to allow for the unified development of more than 500 acres of land in southwest Atlanta for mixed use purposes, including single family residential uses, office uses, and commercial uses of land; and

WHEREAS, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and

WHEREAS, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of Fulton County, Georgia; and

WHEREAS, the City of Atlanta has lawfully provided notice to Fulton County, Georgia of the City of Atlanta's receipt of the Application for annexation of the Property; and

WHEREAS, Fulton County, Georgia, by and through the official act of the Fulton County Board of Commissioners, has withdrawn any and all objections to the proposed land use classification;

WHEREAS, the City of Atlanta has lawfully provided notice to the City of East Point, Georgia, a municipal corporation, of the City of Atlanta's receipt of the Application for annexation of the Property; and

WHEREAS, the City of East Point, Georgia, a municipal corporation, took no action, by and

through its governing authority as required, to raise any objection to the land use classification within twenty-one days of the receipt of the City of Atlanta notice as required by the Intergovernmental Agreement Regarding Land Annexation Dispute Resolution (the "Agreement"); and

WHEREAS, a letter dated July 8, 2002 asserting an objection to the proposed annexation on the basis of infrastructure was signed by the City of East Point City Manager and was received by the Municipal Clerk of the City of Atlanta on July 16, 2002; and

WHEREAS, the City of East Point governing authority ratified the City of East Point City Manager's July 8, 2002 land use objection letter on August 5, 2002, more than twenty-one (21) days after receipt of the City of Atlanta notice; and

WHEREAS, the City of East Point provided no land use classification objection within twenty-one (21) days of receipt of the City of Atlanta notice as required by the Agreement; and

WHEREAS, Section 2(e) of the Agreement provides that if the City of East Point does not provide a land use objection within twenty-one (21) days of the receipt of the City of Atlanta notice, then the annexing City is free to proceed with the Annexation of the Property and East Point is prohibited from invoking the dispute resolution process outlined in the Agreement and prohibited from seeking to stop or delay the annexation of the Property or objection to any land use changes to the Property following the Annexation; and

WHEREAS, the City of Atlanta has held a public hearing regarding the Application and the Council's consideration thereof and has complied with all other applicable laws, ordinances, and agreements with respect to the processing of the Application; and

WHEREAS, the City of Atlanta has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta determine that the annexation of the Property would be in the best interest of the residents and property owners of the area to be annexed and of the citizens of the City of Atlanta; and

WHEREAS, any proposed annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 *et seq.*; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1. The Property is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice

pursuant to Section 5 of the Voting Rights Act of 1965.

- Section 2.** There is hereby filed, as part of this Ordinance and identified as Exhibit A, a complete survey and legal description of the annexed land.
- Section 3.** The Municipal Clerk is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 4.** The Municipal Clerk is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.
- Section 5.** The Ordinance shall become effective immediately for school enrollment purposes and for all other purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 6.** All Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

02-0-1447

(Do Not Write Above This Line)

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- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred *Finance / Executive*
Referred To: *8/19/02*
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION